



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,865	12/31/2003	Sven Schwerin-Wenzel	14413-023001 / 2003P00464	6320
54975	7590	12/27/2007	EXAMINER	
HOLLAND & KNIGHT LLP 10 ST. JAMES AVENUE 11th Floor BOSTON, MA 02116-3889			GRANDERSON, ABRAHAM J	
			ART UNIT	PAPER NUMBER
			4127	
			MAIL DATE	DELIVERY MODE
			12/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/749,865	Applicant(s) SCHWERIN-WENZEL ET AL.	
	Examiner ABRAHAM J. GRANDERSON	Art Unit 4127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is a first Office Action Non-Final rejection on the merits.

Claims 1-21 are currently pending and have been considered below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim includes the phrase “wherein the method presents an interface with a planning the period.” It is unclear if this refers to the first or second interface described in claim 1, or if this is meant to be a third interface.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the

Art Unit: 4127

United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Marpe et al. (US 6,671,692), hereinafter Marpe.

As per claim 1, Marpe discloses method for planning a merger of at least two organizations, the method comprising:

a first interface adapted to allow a user to plan a project with a resource management capability and a time management capability (col. 18, lines 62-62; discloses an “Executive Dashboard” interface that allows user to plan milestones according to time and resources);

a second interface adapted to provide collaborative capabilities to a plurality of merger members to plan the project (col. 33, lines 37-43; disclosing in detail a “Decision Management Tool” allowing users to collaboratively plan and make decisions regarding a merger project);

and one or more tools adapted to allow a user to exchange merger information with a person associated with one of the organizations (col. 47, lines 50-57; discloses an “M&A planning guide” which “allows its users, both client and [internal] personnel” and other interested users to share exchange information via “an interactive web-based tool”).

As per claim 2, Marpe further discloses a method that presents an interface with a planning the period ((col. 18, lines 62-62; discloses an “Executive Dashboard” interface that allows user to plan milestones according to time and resources), wherein the second interface permits creating, posting, storing, and sharing information (col. 33,

Art Unit: 4127

lines 37-43; disclosing in detail a "Decision Management Tool" allowing user to collaboratively plan and make decisions regarding a merger project, including creating, posting, storing and sharing required decisions) wherein the person is selected from a class consisting of managers, employees, customers, partners, suppliers, consultants, analysts and specialists (col. 47, lines 50-57; discloses a "M&A planning guide" which "allows its users, both client and [consulting firm] personnel" and other interested users [construed to include managers, employees, customers, partners, suppliers, consultants, analysts, and specialists, as these are typical interested parties in a merger operation] to share exchange information via "an interactive web-based tool").

As per claim 3, Marpe discloses a system for implementing a merger of at least two organizations, wherein the system comprises: a search query interface adapted to search for terms related to one of the organizations wherein the search query interface permits a search for a stakeholder (col. 35, lines 12-20; discloses a search utility and interface within an "Issue Management" application); and,

a tool capable of providing communication between a plurality of stakeholders of the merger (col. 47, lines 50-57; discloses an "M&A planning guide" which "allows its users, both client and [internal] personnel" and other interested users to share exchange information via "an interactive web-based tool").

As per claim 4, Marpe further discloses a system wherein the search query interface comprises one or more search fields in the interface that allow a user to enter a search parameter for at least one merger organization, wherein the search parameter comprises an attribute of an activity, qualification, interest, and profile of a stakeholder

(col. 35, Tables 26, 27, and 28; discloses search fields including the parameters of event [construed as "activity"], recommendation [construed as "qualification"], executive attention [construed as "interest"] and team [construed as "profile of a stakeholder"]).

As per claim 5, Marpe further discloses a system further comprising a module to store one or more search results and one or more search parameters (col. 36, lines 30-35; discloses a search system wherein the user can store search results in physical or electronic reports), wherein the search query interface further comprises one or more data fields of communication data (col. 35, lines 12-20 and Table 26; discloses a search utility including search fields [construed as communications fields]), the communication data fields including a stakeholder name (col. 35, lines 20-35 and Table 26; discloses a search field including "Identified By" [construed as stakeholder name]).

As per claim 6, Marpe further discloses a system wherein the search query interface further permits a search for a group of merger stakeholders (col. 35, lines 20-35 and Table 26; discloses a search field including the datafield team [construed as a "group of merger stakeholders"]), wherein the search query interface comprises one or more data fields of communication data (col. 35, lines 12-20 and Table 26; discloses a search utility including search fields [construed as "communications fields"]) and the communication data fields include at least one of a group name (col. 35, lines 20-35 and Table 26; discloses a team search field [construed as a "group name"]),

As per claim 7, Marpe discloses a system for implementing a merger of a first organization and a second organization, wherein the system comprises: a first collaborative user interface for the first organization (col. 34, lines 8-25; discloses an

Art Unit: 4127

"Issue Management" interface where users within a first organization can create issues for consideration); and,

a second collaborative user interface for the second organization (col. 18, lines 25 – 29; discloses an "Executive Dashboard" wherein a second organization, such as a company merging with the first organization, can track progress of the merger), wherein the second collaborative user interface is adapted to allow a second collaborative interface user to track a status of employee movements in the first organization (col. 18, lines 27-29; discloses a collaborative interface where "executives [will] be able to track and identify" the issues and organization of employees within the first organization).

As per claim 8, Marpe discloses a system wherein an interface presents investor information (col. 18, lines 25-29, and col. 40, lines 45 – 55; discloses an "Executive Dashboard" including a "Value Realization" interface including investor information such as benefits realization and value analysis).

As per claim 9, Marpe discloses a system wherein an interface presents investor information (col. 18, lines 25-29, and col. 33, lines 37 – 43; discloses an "Executive Dashboard" including a "Decision Management Tool" interface [construed as a management plan]).

As per claim 10, Marpe discloses a system for implementing a merger of at least two organizations, the system comprising a collaborative interface for one or more stakeholders (col. 47, lines 50-57; discloses a "M&A planning guide" which "allows its users, both client and [internal] personnel" and other interested users to share exchange information via "an interactive web-based tool"), wherein the collaborative

Art Unit: 4127

interface comprises a menu adapted to allow a stakeholder to access disparate interfaces (col. 47, line 65; discloses disparate screens [construed as interfaces] that the user may access) the disparate interfaces comprising a communication interface (col. 48, lines 12-13; discloses communication interface for "identifying stakeholder communications requirements and creating initial announcements), an information sessions interface (col. 48, line 3; discloses an interface for "making and document initial decisions" [construed as information sessions]), and one or more interfaces for a manager to communicate merger information with one or more employees (col. 48, lines 13-15; discloses an interface for creating announcements and a "short-term communication plan").

As per claim 11, Marpe further discloses a system wherein the disparate interfaces allow interactive discussion (col. 34, lines 8-23; disclose an "Issue Management" interface accessible from the main planning guide), wherein the collaborative interface further comprises a personalized merger task interface (col. 35, lines 13-17; discloses an issue report interface [construed as a task interface] which can be personalized according to the needs of the user).

As per claim 12, Marpe discloses a system comprising a plurality of templates for a merger of at least two organizations (col. 10, lines 6-11; disclose a system wherein "users are consistently guided through the steps to complete merger/acquisition activities, and are provided samples and templates to facilitate the completion of deliverables associated with those activities");

and a plurality of graphical user interfaces adapted to display the templates (col. 10, lines 6-11 and col. 14, lines 12-14; discloses the use of graphical interfaces for templates), the templates comprising a reference model (col. 10, lines 10-11 and col. 14, lines 8-10; discloses a template used to navigate "a relationship, i.e. progression or sequence" [construed as a reference model]), wherein the templates are adapted customers and employees (col. 10, line 7; discloses the availability of templates for "users," defined in col. 47 line 51, as "clients and internal personnel").

and a module adapted to allow one or more stakeholders to communicate with a system user (col. 47, lines 50-57; discloses an "M&A planning guide" which "allows its users, both client and [internal] personnel" and other interested users to share exchange information via "an interactive web-based tool").

As per claim 13, Marpe further discloses a system comprising archived questionnaire responses (col. 47, lines 51-54; discloses a "M&A Planning Guide" which allows user to review and update answers to submitted questions); and,

a menu of various types of templates and template formats ((col. 10, lines 6-11; disclose a system wherein "users are consistently guided through the steps to complete merger/acquisition activities, and are provided samples and templates to facilitate the completion of deliverables associated with those activities" and col. 52 lines 30-35 disclosing "Industry Solution Packs" [construed as industry templates]).

As per claim 14, Marpe further discloses a system for implementing a merger of at least two organizations, the system comprising a user interface component (col. 33, lines 37-43; disclosing in detail a "Decision Management Tool" allowing user to

collaboratively plan and make decisions regarding a merger project), a dashboard (col. 18, lines 62-62; discloses an “Executive Dashboard” interface that allows user to plan milestones according to time and resources), and at least one collaboration tool usable by a plurality of users (col. 33, lines 37-43; disclosing in detail a “Decision Management Tool” allowing user to collaboratively plan and make decisions regarding a merger project), wherein the collaboration tool includes interactive discussions (col. 33, lines 42-43; discloses where the aforementioned “Decision Management Tool” includes an interactive discussion database).

As per claim 15, Marpe further discloses a system comprising user interface patterns (col.6, lines 23-26 and col. 18, lines 25 – 29; discloses “collaborating classes that capture both the small scale patterns and major mechanisms that implement the common requirements” to be included in the “Executive Dashboard” user interface), a People Finder (col. 34, lines 20-22 and Table 24; discloses a system whereby a user may search for persons within the “Issue Management” interface), and one or more Control Center Pages (col. 18, lines 62-62; discloses an “Executive Dashboard” interface that allows user to plan milestones according to time and resources), wherein the user interface component is adapted to toggle between a graphical and numerical display (Figure 10 discloses the graphical display of data within the Executive Dashboard interface; Figure 10 and 11 disclose the switch to numerical display via search execution).

As per claim 16, Marpe further discloses a portal interacting with an enterprise management system (col. 41, lines 7-9; discloses the Reference tool [construed as a

Art Unit: 4127

portal interacting with outside an enterprise management system], wherein the portal is adapted to provide a common interface to one or more program management services (col. 41, lines 10-17; discloses a portal interacting with program management services including "deliverables library, contacts, calendars, and organization charts").

As per claim 17, Marpe discloses a system for planning a merger of at least two organizations, the system comprising an object modeling tool (col. 53, lines 42-54; discloses an "economic benefit modeling" system to model the final merger and potential economic benefit), a process modeling tool (col. 53, line 50; discloses a system for determining the financial strategy model), and a user interface tool (col. 33, lines 37-40; disclosing in detail a "Decision Management Tool"), wherein the process modeling tool enables collaborative workflow (col. 53, line 43; discloses a collaborative negotiation process), the user interface tool comprising one or more collaborative interfaces for a plurality of stakeholders (col. 33, lines 37-43; disclosing in detail a "Decision Management Tool" allowing users to collaboratively plan and make decisions regarding a merger project); .

As per claim 18, Marpe further discloses a system comprising a definition tool, wherein the definition tool is an integrated system tool (col. 34, lines 8-14; discloses an "Issue Management" tool that allows users to open and define issues on an integrated platform), wherein the one or more collaborative interfaces comprise a merger issue and an indicator adapted to allow a stakeholder to respond to a topic (col. 34, line 18; discloses a "Issue Management" system that allows stakeholders to respond and update an issue).

As per claim 19, Marpe further discloses a system of claim 17, wherein the one or more collaborative interfaces are adapted to allow a stakeholder to generate a procedure for exception handling for a merger action item (col. 34, lines 8-25; discloses an "Issue Management" interface where users within a first organization can create issues [construed as exceptions] for consideration and handling).

As per claim 20, Marpe further discloses a system wherein the one or more collaborative interfaces comprise an executive cockpit (col. 18, lines 62-62; discloses an "Executive Dashboard" interface), an interface adapted for chat sessions (col. 14, lines 59-63 and col. 15, lines 2-4; discloses a "Discussion Database" interface that "allows users to chat online"), and an announcement panel (col. 18, lines 58-64; discloses a "Merger Integration Balanced Scorecard" [construed as an announcement panel] where executives can see issues that have been opened to their attention).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Naillon (US 2004/0024722) discloses a method for monitoring a decision-making process for organizational objectives including mergers.

Sanches (US 20030018510 discloses a method for enterprise action management including mergers.

Jeff Zygmunt, *Merging ERP systems*, Ward Auto World (June 1999) discloses merger of Enterprise Resource Planning systems in the automotive industry.

Art Unit: 4127

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABRAHAM J. GRANDERSON whose telephone number is (571)270-5098. The examiner can normally be reached on Monday through Thursday, 7:30 to 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AJG

/Lynda Jasmin/
Supervisory Patent Examiner, Art Unit 4127